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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bates, et al. : Date: September 22, 2004
Serial No.: 09/759,784 : Group Art Unit: 2683
Filed: January 12, 2001 : Confirmation No.: 9669
For: SYSTEM AND METHOD FOR : Examiner: S. D'Agosta
IMPLEMENTING CALLING CARD
SECURITY AND SECURED CALLING
CARD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)**

1. This request for reconsideration of the patent term adjustment indicated in the Notice of Allowance mailed on August 17, 2005.

☒ The issue fee is being paid as set forth in the papers attached hereto.

2. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 For the Adjustment--Part B." (37 C.F.R. § 1.705(b)(2)(i) and (ii)). See page 4.

3. Any patent granted on this application (37 C.F.R. § 1.705(b)(2)(iii)):

☒ is not subject to a terminal disclaimer.

☐ is subject to a terminal disclaimer, and the expiration date specified in the

terminal disclaimer is _____.

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Docket No.: ROC920000007US2
Serial No.: 09/759,784

4. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in § 1.704 (37 C.F.R. § 1.705(b)(2)(iv)):

☐ there were none (37 C.F.R. §1.705(b)(2)(iv)(B)).

☒ these were as follows (37 C.F.R. § 1.705 (b)(2)(iv)(A)):

i) Applicant mailed a response (Amendment) to the 9/18/2003 Office Action on 12/16/2003. The PAIR system indicates that the USPTO received this response on 12/19/2004.

ii) Applicant mailed a response (Notice of Appeal) to the 1/20/2004 Office Action on 4/20/2004. The PAIR system indicates that the USPTO received this response on 4/22/2004.

iii) Applicant mailed an Appeal Brief on 6/20/2004. The PAIR system indicates that the USPTO received this response on 6/24/2004.

iv) Applicant mailed a response (Amendment) to the 7/14/2004 Office Action on 10/13/2004. The PAIR system indicates that the USPTO received this response on 10/18/2004.

v) Applicant mailed a response (Amendment) to the 12/20/2004 Office Action on 03/18/2005. The PAIR system indicates that the USPTO received this response on 3/22/2005.

vi) Applicant mailed a response (Amendment) to the 4/28/2005 Office Action on 7/25/2005. The PAIR system indicates that the USPTO received this response on 7/29/2004.

Docket No.: ROC920000007US2

Serial No.: 09/759,784

5. Also attached hereto is a "Request For Reinstatement for ☐ All and/or ☐ Part of the Period of Adjustment Reduced Pursuant to § 1.704(b) -- Part C." (37 C.F.R. § 1.705(c)).

6. The fee set forth in § 1.18(e) (\$200.00), required by 37 C.F.R. § 1.705(b)(1), is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$_____.

☒ Authorization is hereby made to charge the amount of \$200.00.

☒ to Deposit Account No. 09-0465

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of his paper is attached.

Date: September 22, 2004

Respectfully submitted,

By 

Grant A. Johnson
Registration No.: 42,696

From: Grant A. Johnson
IBM Corporation
Intellectual Property Law
Dept. 917, Bldg. 006-1
3605 Highway 52 North
Rochester, MN 55901

Telephone: (507) 253-4660
Fax No.: (507) 253-2382

Docket No.: ROC920000007US2
Serial No.: 09/759,784

Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 For the Adjustment.” (37 C.F.R. § 1.705(b)(2)(i) and (ii))

i) Applicant filed the above-identified application on 01/12/2001. The USPTO issued a Notice of Allowance on 8/17/2005, which suggests that the resulting patent will issue on 2/17/2006. Because this pendency will be greater than three years, Applicants are entitled to a positive patent term adjustment by 37 C.F.R. § 1.702(b).

ii) Applicant filed the above-identified application on 1/12/2001. The USPTO issued a first action on 9/18/2003. Because this period is greater than fourteen months, Applicants are entitled to a positive patent term adjustment by 37 C.F.R. § 1.702(a)(1)

In view the long pendency of and/or late first action in the above-identified application, Applicants are entitled to a positive term adjustment of 767 days under 37 C.F.R. § 1.702.